

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X	
<b>JERICHO GROUP, LTD.,</b>	:
	:
<b>Plaintiff,</b>	:
	:
<b>- against -</b>	:
	:
<b>MIDTOWN DEVELOPMENT, L.P., EDWARD IMPERATORE and MAURICE STONE,</b>	:
	:
<b>Defendants.</b>	:
-----X	

**No. 07-CV-1792 (RCC) (DCF)**

**ECF CASE**

**CERTIFICATE OF COMPLIANCE WITH LOCAL CIVIL RULE 81.1(b)**

Counsel for Defendants Midtown Development, L.P., Edward Imperatore, and Maurice Stone certify that, in compliance with Local Civil Rule 81.1(b), a copy of the Summons and Verified Complaint in the State Court in *Jericho Group, Ltd. v. Midtown Development, L.P.*, Index No. 600566/07 (Sup. Ct. N.Y. Cty.), has been filed with the Clerk of the Court as Exhibit A to Defendants' Notice of Removal, filed on March 1, 2007, and also as Exhibit A to Defendants' Amended Notice of Removal, filed on March 8, 2007. Attached hereto are a Request for Judicial Intervention and Request for Preliminary Conference filed by Plaintiff in the State Court, together with an e-mail from Plaintiff's counsel transmitting these documents to Defendants' counsel on March 22, 2007. The Request for Judicial Intervention and Request for Preliminary Conference filed by Plaintiff in the State Court are moot in light of Defendants' Notice of Removal.

Defendants are not aware of any other records or proceedings in the State Court.

Dated: New York, New York  
March 22, 2007

Respectfully submitted,

JONES DAY  
222 East 41<sup>st</sup> Street  
New York, New York 10017  
Telephone: (212) 326-3939

By: / s / Todd R. Geremia  
Fredrick E. Sherman (FS 5442)  
Todd R. Geremia (TG 4454)

—and—

PHILLIPS NIZER LLP  
Alfred D. Lerner (AL 5927)  
George Berger (GB 8924)  
666 Fifth Avenue  
New York, New York 10103-0084  
Telephone: (212) 977-9700

Attorneys for Defendants,  
Midtown Development, L.P., Edward  
Imperatore, and Maurice Stone

**CERTIFICATE OF SERVICE**

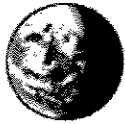
I certify that on March 22, 2007, I caused the foregoing STATEMENT OF COMPLIANCE WITH LOCAL CIVIL RULE 81.1 to be served by First Class U.S. mail to the following counsel for plaintiff:

Herbert Rubin  
HERZFELD & RUBIN, P.C.  
40 Wall Street  
New York, New York 10005

*Attorneys for Plaintiff,  
Jericho Group, Ltd.*

Dated: New York, New York  
March 22, 2007

\_\_\_\_\_/ s / Todd R. Geremia  
Todd R. Geremia



"Charles A. Crum"  
<CCrum@herzfeld-rubin.com>

03/22/2007 05:45 PM

To "Todd R Geremia" <trgeremia@JonesDay.com>  
cc

bcc

Subject RE: Midtown / Jericho

Attached are copies of the documents you requested. We believed the removal of the case to Federal Court rendered the issue of serving them moot.

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**From:** Todd R Geremia [mailto:trgeremia@JonesDay.com]  
**Sent:** Thursday, March 22, 2007 5:25 PM  
**To:** Charles A. Crum  
**Subject:** Midtown / Jericho

Mr. Crum:

Your office never served on any of Midtown's counsel the request for judicial intervention and the request for a preliminary conference that your office filed. We received notice from the Court about those documents, but have been unable to obtain those documents from the Court. Please send me a copy.

Todd Geremia

---

Todd R. Geremia  
Jones Day  
222 East 41st Street  
New York, New York 10017

Phone: 212-326-3429  
Fax: 212-755-7306  
trgeremia@jonesday.com

=====

This e-mail (including any attachments) may contain information that is private, confidential, or protected by attorney-client or other privilege. If you received this e-mail in error, please delete it from your system without copying it and notify sender by reply e-mail, so that our records can be corrected.



===== jericho rji and request for conference.PDF

SUPREME COURT, NEW YORK COUNTY INDEX NO. 600566/07  
DATE PURCHASED: 2/22/07

PLAINTIFF(S):  
JERICHO GROUP, LTD.

IAS entry date

Judge Assigned

DEFENDANT(S):

MIDTOWN DEVELOPMENT, L.P., EDWARD IMPERATORE AND  
MAURICE STONE.

Date issue joined: N/A

Bill of particulars served (Y/N):

[ ] Yes

[ X ] No

NATURE OF JUDICIAL INTERVENTION (check ONE box only AND enter information)

- [ X ] Request for preliminary conference [ ] Notice of petition (return date: )  
Relief sought \_\_\_\_\_
- [ ] Note of issue and/or certificate of readiness [ ] Notice of medical or dental malpractice action (specify: )
- [ ] Notice of motion (return date: )  
Relief sought \_\_\_\_\_
- [ ] Order to show cause (clerk enter return date: )  
Relief sought \_\_\_\_\_
- [ ] State of net worth \_\_\_\_\_
- [ ] Writ of habeas corpus \_\_\_\_\_
- [ ] Order (specify: \_\_\_\_\_)
- [ ] Other ex parte application (specify: \_\_\_\_\_)

NATURE OF ACTION OR PROCEEDING (check ONE box only)

## MATRIMONIAL

- [ ] Contested  
[ ] Uncontested

RECEIVED  
FEB 28 2007  
NEW YORK  
COUNTY CLERK'S OFFICE

## MALPRACTICE

- [ ] Medical/Podiatric  
[ ] Dental  
[ ] \*Other Professional

RECEIVED

FEB 28 2007

TRIAL SUPPORT OFFICE

-MM

-OPM

## COMMERCIAL

- [ X ] Contract -CONT  
[ ] Corporate -CORP  
[ ] Insurance (where insurer is a party, except arbitration) -INS  
[ ] UCC (including sales, negotiable instruments) -UCC  
[ ] \*Other Commercial -OC

- [ ] Motor Vehicle -MV  
[ ] \*Products Liability -PL

- [ ] Environmental -EN  
[ ] Asbestos -ASB  
[ ] Breast Implant -BI  
[ ] \*Other Negligence -OTN

## REAL PROPERTY

- [ ] Tax Certiorari -TAX  
[ ] Foreclosure -FOR  
[ ] Condemnation -COND  
[ ] Landlord/Tenant -LT  
[ ] \*Other Real Property -ORP

- [ ] \*Other Tort (including intentional) -OT

## SPECIAL PROCEEDINGS

- [ ] Art. 75 (Arbitration) -ART75  
[ ] Art. 77 (Trusts) -ART77  
[ ] Art. 78 -ART78  
[ ] Election Law -ELEC  
[ ] Guardianship (MHL Art. 81) -GUARD81  
[ ] \*Other Mental Hygiene -MHYG  
[ ] \*Other Special proceeding -OSP

## OTHER MATTERS

- [ ] \* -OTH

TORTS

**RIDER TO REQUEST FOR JUDICIAL INTERVENTION**

**Additional Defendants' Addresses**

Edward Imperatore, Esq.  
c/o Phillips Nizer LLP  
Court Plaza North  
25 Main Street  
Hackensack, New Jersey 07601

Maurice Stone  
114 Avondale Road  
Ridgewood, New Jersey 07540

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
JERICHO GROUP, LTD.,

Index No. 600566/07

Plaintiff,

- against -

MIDTOWN DEVELOPMENT, L.P., EDWARD  
IMPERATORE and MAURICE STONE,

**REQUEST FOR  
PRELIMINARY  
CONFERENCE**

Defendants.  
-----X

The undersigned requests a preliminary conference.

The nature of this action is: specific performance of a contract for the sale of real estate and related relief.

The names, addresses and telephone numbers of all attorneys appearing in the action are as follows:

Herzfeld & Rubin, P.C.  
Attorney for Plaintiff  
40 Wall Street  
New York, New York 10005  
(212) 471-8500

Defendants have not yet appeared by counsel. Counsel for defendant Midtown Development, L.P. in the related action in this Court (Index No. 113274/04) are: Jones Day, 222 East 41<sup>st</sup> Street, New York, New York 10017, (212) 326-3939.

Annexed hereto is an Affirmation of Good Faith pursuant to 22 NYCRR 202.12(a).

Dated: New York, New York  
February 27, 2007

Respectfully submitted,



Herbert Rubin  
Herzfeld & Rubin, P.C.  
Attorneys for Plaintiff  
40 Wall Street  
New York, New York 10005  
(212) 471-8500

RECEIVED

FEB 28 2007

TRIAL SUPPORT OFFICE

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
JERICHO GROUP, LTD.,

Index No. 600566/07

Plaintiff,

- against -

**AFFIRMATION OF  
GOOD FAITH**

MIDTOWN DEVELOPMENT, L.P., EDWARD  
IMPERATORE and MAURICE STONE,

Defendants.  
-----X

Herbert Rubin, an attorney duly admitted to practice law in the State of New York, affirms the following under the penalty of perjury and pursuant to CPLR Rule 2106 that the following facts are true:

1. I am the senior member of the firm of HERZFELD & RUBIN, P.C., attorneys for the plaintiff in this action. I am fully familiar with the facts and circumstances of this action.
2. This affirmation is submitted in connection with the filing of a Request for Judicial Intervention requesting a Preliminary Conference.
3. This is an action for specific performance of a contract whereby defendant Midtown Development, L.P. agreed to sell to plaintiff certain real property, and for related relief.
4. This action follows the vacatur of a judgment dismissing a prior action brought by plaintiff in this Court, Index No. 113274/04, against defendant Midtown Development, L.P., arising out of the same transaction which forms the basis for the present action. The order vacating the judgment, signed by Justice Ramos on February 2, 2007, was entered on February 20, 2007. In his decision, Justice Ramos stated: "Plaintiff is welcome to file a new complaint in a new action ...." Plaintiff has elected to start a new action.

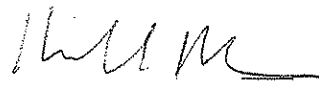


5. In light of the need for prompt judicial resolution of this long standing dispute, and problems encountered in the course of discovery in the prior action, a preliminary conference is respectfully requested so that, an expeditious court-ordered discovery schedule can be established.

WHEREFORE, plaintiff respectfully request a preliminary conference be scheduled at the Court's earliest convenience.

Dated: New York, New York  
February 27, 2007

HERZFELD & RUBIN, P.C.

By:   
Herbert Rubin  
Attorneys for Plaintiff  
40 Wall Street  
New York, New York 10005  
(212) 471-8500